

Council on Postsecondary Education
May 22, 2006

Legislative Summary
2006 Kentucky General Assembly

This is a report on nonbudget actions related to postsecondary education resulting from the 2006 legislative session.

SB 83 – Postsecondary institution capital construction projects

Sponsor – Senator Jack Westwood

March 30 – signed by Governor (Acts Ch. 93)

- Increases the threshold for force accounts from \$100,000 to \$200,000.
- Provides an inflationary index that increases the threshold (unchanged since 1994) to today's standards.
- Allows institutions to implement projects at a level that is already given to other agencies of state government.

SB 84 – State capital construction projects

Sponsor – Senator Jack Westwood

April 21 – signed by Governor (Acts Ch. 199)

- Increases threshold for capital projects from \$400,000 to \$600,000, capital equipment from \$100,000 to \$200,000, and information technology systems from \$400,000 to \$600,000.
- Reduces the number of projects that are listed in the budget of the Commonwealth and provides additional flexibility for institutions to address small projects during the interim when the General Assembly is not in session.

SB 98 – Administrative regulations

Sponsor – Senator Vernie McGaha

April 21 – signed by Governor (Acts Ch. 197)

- Requires an administrative body which promulgates an administrative regulation relating to any aspect of state or local government to consider costs to the state or local government.

SB 105 – Education Cabinet Reorganization**Sponsor – Senator Dan Kelly****April 21 – signed by Governor (Acts Ch. 211)**

- Codifies Governor Fletcher's 2005 Executive Order that moves the Council on Postsecondary Education, the Department of Education, and the Education Professional Standards Board within the Education Cabinet, and establishes the Department of Adult Education as an operating unit within the Council on Postsecondary Education.
- Clarifies that the agencies be governed by their respective substantive statutory chapters.

SB 130 – High School ACT Testing**Sponsor – Senator Dan Kelly****April 22 – signed by Governor (Acts Ch. 227)**

- Requires that no later than 2007-2008 the assessment program under the Commonwealth Accountability Testing System (CATS) include a high school readiness exam to assess English, reading, mathematics, and science in grade 8; a college readiness examination to assess English, reading, mathematics, and science in grade 10; the ACT examination in English, reading, mathematics, and science in grade 11; and any other component necessary to comply with the federal No Child Left Behind Act.
- Permits students in grades 10, 11, or 12 to take the WorkKeys assessments in reading for information, locating information, and applied mathematics with the initial cost to be paid by the Kentucky Department of Education. Requires the issuance of Kentucky Employability Certificates to students meeting the WorkKeys threshold established by the Cabinet for Workforce Development.
- Requires a high school to offer students the opportunity to participate in a remedial program and to have intervention strategies for accelerated learning if they receive a score on the ACT in English, reading, or mathematics below the systemwide standard established by the Council on Postsecondary Education for entry into a credit-bearing course at a public postsecondary institution.
- Requires the Kentucky Department of Education, the Council on Postsecondary Education, and the public universities to provide technical assistance to schools and school districts in the development of remediation programs.

SB 171 – Statewide Mapping of Public Facilities**Sponsor – Senator Julie Denton****April 22 – signed by Governor (Acts Ch. 223)**

- Requires the Commonwealth Office of Technology, to the extent money is available, to establish a statewide planning and mapping system for public buildings for use by response agencies that are called to respond to an act of terrorism or an emergency.
- Specifies that planning and mapping includes floor plans, fire protection information, building evacuation plans, utility information, known hazards, and information on how to contact emergency personnel, other guidelines and conditions for implementation and transfer of data, and training.

- To the extent funding is available, requires state agencies and political subdivisions to participate in the mapping system and to provide specified information for inclusion in the system.
- Allows state agencies or political subdivisions that have their own mapping systems to continue to use them unless money is made available for updates or modifications as necessary for inclusion in the statewide system.

HB 3 – Sex Offenses

Sponsor – Representative Joni Jenkins

April 18 – signed by Governor (Acts Ch. 182)

- Requires all initial hires at public institutions of postsecondary education to submit to state and national criminal history background checks. The institutions may require the applicants to bear the cost of the background checks.
- Specifies that the institutions may require a criminal history background check on contractors, employees of contractors, or volunteers for the institution or a program of the institution.
- Allows the institutions to deny employment, prohibit volunteering, or restrict access to the campus if the results of the criminal history background check show that the applicant, contractor, or their employee, volunteer, or visitor has been convicted of, pled guilty to, or entered an Alford plea to a sex crime as specified in KRS 17.500 or a violent offense as specified in KRS 439.3401.
- Requires all employment applications and renewal forms at public postsecondary institutions to prominently state that a national and state criminal background check is required as a condition of employment.
- Clarifies that institutions have the discretion of terminating the employment of any employee if convicted of, pleads guilty to, enters an Alford plea to, or is adjudicated guilty of an offense specified in subsection three of the legislation.
- States that a private college or university located in the Commonwealth may utilize at its discretion any of the provisions of this section, providing that it does so in a written institutional document.

HB 80 – Students Called to Military Duty

Sponsor – Representative Mike Denham

March 15 – signed by Governor (Acts Ch. 19)

- Requires that a student called to federal military active duty receive credit for academic work and reasonable time to make up missed work.

HB 197 – End of Course Examinations

Sponsor – Representative Jon Draud

April 4 – signed by Governor (Acts Ch. 119)

- Requires the Kentucky Department of Education to begin developing end-of-course examinations in Algebra I, Algebra II, and Geometry. Requires the department to ensure that each test aligns with the standards, content, goals, and academic expectations for the course.
- Requires content teachers in the core courses and postsecondary faculty (including both subject matter specialists and teacher educators) to be involved in the development and review of items, with the majority to be content teachers in the core courses.
- Requires the initial test to be available and piloted in selected school districts no later than the end of the 2007-08 school year.

HB 555 – Teacher Retirement

Sponsor – Representative Frank Rasche

April 21 – signed by Governor (Acts Ch. 189)

- Allows the cost of providing the transitional funding for the state medical insurance fund stabilization contribution to be funded by annual appropriations from the state on an amortized basis.
- Requires the teacher retirement system to study pension obligation bonds.
- Provides an ad hoc and cost-of-living increase of 2.3 percent for the 2006-07 fiscal year and an ad hoc and cost-of-living increase of 2.1 percent for the 2007-08 fiscal year.
- Permits retirees who became eligible for disability retirement before July 1, 2002, to accrue income up to \$40,000, rather than \$27,000.

HJR 14 – Education Leadership

Sponsor – Representative Jon Draud

April 5 – signed by Governor (Acts Ch. 174)

- Requires the Executive Director of the Education Professional Standards Board, with the cooperation of the Commissioner of Education and the President of the CPE, to establish an interagency task force to coordinate the redesign of education leadership programs.
- Requires the interagency task force to provide a progress report to the Interim Joint Committee on Education by October 1, 2007, and as requested thereafter.

HJR 145 – Constitution and Democratic Process Education

Sponsor – Representative Jon Draud

April 5 – signed by Governor (Acts Ch. 174)

- Directs the CPE, KDE, and other P-16 partners to develop strategies and a timeline for improving Kentucky students' knowledge and understanding of the Constitution of the United States and the democratic processes.

- Requires a final report be submitted to the Interim Joint Committee on Education by August 1, 2007, and requires filing a draft implementation plan with the committee by December 1, 2007.

HR 159 – Education about the Holocaust

Sponsor – Representative Kathy Stein

March 8 – adopted by voice vote

- Encourages Kentucky postsecondary institutions to provide assistance to schools and teachers in developing, identifying, and disseminating age-appropriate classroom materials relating to the Holocaust.

HCR 287 – CPE Confirmation

Sponsor – Representative Frank Rasche

April 21 – signed by Governor (Acts Ch. 202)

- Confirms Jim Skaggs to the Council on Postsecondary Education.

HR 315 – Postsecondary Scholarships

Sponsor – Representative Tanya Pullin

April 11 – introduced in House; adopted by voice vote

- Encourages public universities in the Commonwealth to recruit and offer scholarships to athletically and academically gifted students from Kentucky.

HR 323 – KEES

Sponsor – Representative Tanya Pullin

April 11 – introduced in House; adopted by voice vote

- Encourages KHEAA to study the impact of permitting students to use KEES awards at out-of-state institutions having reciprocal in-state tuition agreements with Kentucky colleges and universities.

Bills of interest that did not pass:

- HB 15 - Requires the University of Kentucky's football team to play the University of Louisville's team in the first game of the football season.
- HB 20 - Requires public postsecondary institutions to reimburse the eligible dependents of disabled or deceased veterans if the request for reimbursement is made within eight years of the date of the last fee paid.
- HB 26 - Requires that the minimum qualifications for admission to a public postsecondary institution shall require a person to be a U.S. citizen, national, or permanent resident, or

Bills of interest that did not pass (continued):

meet other specified requirements. These requirements also apply to student aid eligibility.

- HB 39 - Directs the Council on Postsecondary Education to require a student who pays in-state tuition to prove legal residency in Kentucky and the U.S.
- HB 64 - Exempts educational institutions from paying prevailing wages on construction projects.
- HB 66 and HB 400 - Changes the process and requirements for approval of contracts.
- HB 71 - Allows Kentucky students attending postsecondary programs in contiguous states through Academic Common Market agreements to receive KEES awards.
- HB 75 - Allows universities to issue agency revenue bonds (auxiliary or hospital) if authorized by the General Assembly.
- HB 123 - Requires that 62 percent of general fund resources be used in support of education, including early childhood education, elementary and secondary education, postsecondary education, and adult education.
- HB 147 - Provides Kentucky residents married to members of the Kentucky National Guard, United States Armed Forces, or United States Armed Forces Reserve with free tuition (limited to 36 months) to any state-supported institution of postsecondary education.
- HB 156 and SB 8 - Makes forgery of an academic degree a Class D felony.
- HB 167 - Exempts a student at a state-supported institution of postsecondary education from payment of tuition and fees if he/she is a family member of a veteran with a 70 percent or greater service-connected disability.
- HB 182 - Requires certain emergency services personnel and devices for all physical fitness facilities; sets penalties for failure to comply.
- HB 185 - Gives preference to Kentucky small businesses in government contracts.
- HB 257 - Prohibits registered sex offenders from residing within 1,000 feet of a postsecondary education institution, private college, or university.
- HB 312 - Provides a tax credit for public school teachers for student loan payments; caps credit at \$300.

Bills of interest that did not pass (continued):

- HB 346 and SB 7 - Authorizes gambling at horse racing tracks and casinos; requires that 40 percent of the gaming funds be dispersed to the Department of Education and the Council on Postsecondary Education.
- HB 352 - Establishes a goal to reduce the postsecondary remediation rate for recent high school graduates in Kentucky by 50 percent by 2011-12 and requires KDE and CPE to develop and implement a remediation reporting system.
- HB 399 - Prohibits sex-based wage discrimination on jobs of comparable worth.
- HB 441 - Permits the Kentucky Higher Education Assistance Authority to offer one-time grants up to \$500 per academic year to independent financially needy Kentucky undergraduates enrolled on a less-than-half-time basis.
- HB 467 - Establishes collective bargaining for public employees at the state and local level.
- HB 477 - Establishes the Kentucky Cardiovascular Disease Initiative (KCDI) with the CPE chair serving as KCDI chair for the first year. The University of Kentucky, the University of Louisville, the comprehensive universities, and KCTCS also will have members on the KCDI.
- HB 525 - Requires the University of Louisville and the University of Kentucky to jointly establish and maintain a cancer tissue registry for cancer tissue donation for research purposes; specifies that cancer research associated with the registry shall not include stem cell research.
- HB 551 - Increases the threshold score on the ACT from 15 to 18 or above to be eligible for a KEES supplemental award; clarifies that KEES award eligibility terminates upon the expiration of five years following a student obtaining a GED.
- HB 602 - Clarifies that a faculty member of a public postsecondary governing board may vote on the compensation of the president, administrative leadership, and groups of faculty and staff.
- HB 671 - Creates the Kentucky Bioscience Development and Investment Fund for the promotion of bioscience research and related industries and commercial enterprises.
- HB 726 - Allows coal and mineral mining planning and activities in UK's E.O. Robinson Forest; royalties and other income from mining would be apportioned between the Robinson Agricultural Experiment Station (10 percent), the Robinson Scholars program (40 percent), and the University of Kentucky for research (50 percent).

Bills of interest that did not pass (continued):

- HB 740 - Allows a student to be eligible for a KEES award if he or she is enrolled at an out-of-state institution in a degree program in a field of study that is not available at a participating institution in Kentucky and is offered through the Academic Common Market. If a degree program in a field of study is not available at a Kentucky institution or through the Academic Common Market, a student enrolled in that field of study at any out-of state institution shall be eligible to receive a KEES award.
- HRC 9 - Calls for the Legislative Research Commission to study the cost of college textbooks and related instructional supplements.
- SB 115 - Requires KDE to establish a high school government and civics education pilot program and study and to select a university to develop the course curriculum, develop and implement professional development opportunities, and conduct a research evaluation of the pilot program.
- SB 149 - Requires colleges or schools of medicine, nursing, podiatry, pharmacy, chiropractics, and dentistry to include instruction in cultural competence in the curriculum.
- SB 227 - Allows an accredited college or university that offers the Marine Option Naval ROTC four-year program to be considered a "participating institution" for the purposes of KEES awards; allows a student enrolled at an accredited college or university and a participant in the Marine Option Naval ROTC four-year program to be eligible to receive a KEES award.
- SB 258 - Establishes the Kentucky Sports Agent Licensing Authority to regulate athlete agents. Broadens the definitions of "athlete agent" and "student athlete."
- Several bills related to embryonic and adult stem cell research were introduced but not heard.